

TAHOE REGIONAL PLANNING AGENCY
Regional Planning Division
REQUEST FOR PROPOSALS (RFP)
Deed-Restriction Monitoring
RFP #240001

- Announcement:** June 29, 2023
- Project Description:** Annual Monitoring of Affordable, Moderate, and Achievable Deed-Restrictions
- Evaluation:** Proposals will be evaluated according to the criteria in section 4 of this document.
- Deadline:** July 14, 2023 – Bidding Firms’ Questions Due
July 28, 2023 – Deadline for Proposal Submissions
- Questions:** All questions should be submitted in writing to the RFP Coordinator:

Karen Fink
Tahoe Regional Planning Agency
PO Box 5310
128 Market Street
Stateline, NV 89449
775-589-5258
kfink@trpa.gov

1. Introduction and Agency Background

Introduction:

Having sufficient workforce housing in walkable communities is a key strategy in the Lake Tahoe Region to help reduce the water and air quality impacts of car travel and improve public safety by providing housing for critical workers and other workers that support the community in a myriad of ways. By supporting and encouraging workforce housing solutions, the Tahoe Regional Planning Agency (TRPA) is implementing the Sustainable Communities Strategy and workforce housing goals of the Lake Tahoe Regional Plan.

One of several strategies TRPA uses is to require or offer as an incentive deed-restrictions for affordable, moderate, or “achievable” housing. An income- or employment-based housing deed restriction, or a sales price or rental capped deed restriction is something a property owner records with the grant deed or title of their property. The deed-restriction ensures the associated housing unit or units meet certain requirements, with the goal of keeping housing costs low or ensuring that the housing is only occupied by households below a certain income level or which have one household member who is employed by a local employer. Once the deed restriction is recorded with the appropriate assessor’s office, it becomes permanent and legally binding.

Deed restrictions can add new housing or preserve existing housing stock at several rates, including affordable, moderate, or achievable (see definitions, Attachment A), each of which can help local residents and workers remain in the community. There are approximately 250 deed-restrictions basin-wide required under early efforts to protect existing workforce housing, plus another five parcels with deed-restricted “moderate” or “achievable” housing which have been constructed since 2018. TRPA anticipates that the number of deed-restricted units will continue to grow, until the region’s pool of deed-restricted “bonus units” is used up. Just over 1,300 bonus units remain as of July 1, 2023.

TRPA manages deed-restrictions dating back to the year 2000. In 2018, TRPA developed a compliance and monitoring program for new deed-restrictions and created the “achievable” deed-restriction category, which aims to protect housing for working households that make more than 120 percent of Area Median Income (AMI) but are still challenged to find housing in the basin.

In the past deed-restrictions were most commonly tied to the subdivision of “defacto” affordable or moderate-income housing. Since 2018, most deed-restrictions have been tied to federal or state grant requirements for construction of new housing, or the exchange of a deed-restriction for an incentive, such as the use of a bonus residential development right. Moving forward TRPA is considering several policy changes that would tie additional incentives to deed-restrictions. In order for these programs to succeed, it is critical to have a robust, transparent monitoring and compliance program to ensure that the public investment in deed-restricted units reaches the intended audience.

TRPA Background Information:

Established in 1969, by a Federally sponsored, interstate compact between California and Nevada, TRPA is authorized under California law (California Government Code sections 66800 through 66801), Nevada law (NRS 277.190 through 227.200), and Federal law (PL 96-551).

The mission of TRPA is to “lead the cooperative effort to preserve, restore, and enhance the unique natural and human environment of the Lake Tahoe Region, while improving local communities, and people’s interactions with our irreplaceable environment.” TRPA is the leading partner for plans and actions to preserve the environment of the Tahoe region. TRPA establishes transportation and land use policy as the region’s Metropolitan Planning Organization and works with local, regional, state, and Federal organizations and governments to facilitate a cooperative approach in implementing these plans and programs. The TRPA Regional Plan is designed to maintain a healthy natural environment, meet adopted environmental thresholds, maintain social and economic health, and allow orderly growth in the Region.

TRPA is governed by a 15-member Board. California and Nevada each have seven members comprised of elected officials and governmental appointees. In addition, a non-voting member is appointed by the President of the United States. Further information can be obtained at TRPA’s website at www.trpa.gov.

Lake Tahoe faces a constant and serious threat from the introduction and spread of aquatic invasive species (AIS). AIS can devastate aquatic ecosystems, and negatively impact the recreation opportunities that drive Lake Tahoe’s economy. The Lake Tahoe Aquatic Invasive Species Program’s mission is to prevent, detect, and control aquatic invasive species in the region so that future generations can enjoy Lake Tahoe. TRPA and the Tahoe Resource Conservation District lead the program in collaboration with the public and private partners.

TRPA is granted environmental planning and regulatory authority at Lake Tahoe pursuant to the Tahoe Regional Planning Compact (Public Law 96-551). TRPA requires all projects to be consistent with the applicable development and environmental standards found throughout the TRPA Regional Plan package.

2. Project Description

Scope of Work

The contractor would conduct the annual compliance check of deed-restrictions issued after 2018, conduct an annual audit of a portion of all deed-restricted units, and issue a report to TRPA on the rate of compliance and identification of any out-of-compliance units or potentially out-of-compliance units. This contract will cover two years – 2023 and 2024, with the possibility for renewal for a maximum contract term of five years. For 2023, the outreach process has already been completed (denoted by * in the table below). For 2024, the contract will include both outreach and monitoring.

The scope includes the tasks below:

Task 1 – Annual Communication	Deadline	Number of parcels anticipated	Notes
1.1 Send annual letter to homeowners reminding them that their unit is deed-restricted*	January 15	260 parcels	TRPA will provide template language from 2023
1.2 Send request for submittal of compliance form to those parcel owners required to submit the form*	Letter mailed by March 30 Responses due by April 30	5 parcels in 2023 Expected to be approximately 40 in 2024	TRPA will provide template language from 2023
1.3 Send certified mail/return receipt requested follow-up to those addresses that do not respond*	Letter mailed by May 15 Responses due by May 30	Unknown, less than 40	TRPA will provide template language from 2023
1.4 Review Compliance Forms	By June 30 (September 30 in 2023)	5 parcels in 2023 Approximately 40 in 2024	
Task 2 – Audit Percentage of All Deed-Restricted Parcels	Deadline	Number of parcels anticipated	Notes
2.1 Selection of parcels to audit, either random or from the subset not audited in a previous year (discuss with TRPA)*	January 30	10% in 2023 25% in 2024	
2.2 Review of deed-restriction language from selected parcels. Craft audit letter based on specific requirements in the deed-restrictions.*	March 30	25 in 2023, including up to 8 different deed-restriction sub-types	
2.1 Send letter requesting documentation to percentage of deed-restricted units*	Letter mailed by March 30 Responses due by April 30	10% in 2023 25% in 2024	TRPA will provide template language from 2023, may need updating depending on deed-restrictions selected

2.2 Send certified mail/return receipt requested follow-up to those addresses that do not respond*	Letter mailed by May 15 Responses due by May 30	Unknown, somewhat less than the number originally mailed to	TRPA will provide template language from 2023
2.3 Review documentation and compare to deed-restrictions	June 30 (September 30 in 2023)		
Task 3 – Report on Compliance Status	Deadline	Notes	
3.1 Prepare spreadsheet showing compliance status by assessor parcel number for submittal to TRPA, identifying non-responsive or non-compliant units for enforcement action	July 15 (October 15 in 2023)		
3.2 Prepare memo for posting on TRPA website	July 15 (October 15 in 2023)	Memo should report on compliance status numbers by type of deed-restriction, keeping private any personal information or addresses. Since deed-restriction types have varied over time, even within the main categories (affordable, moderate, achievable), TRPA will provide a list of deed-restriction types and descriptions	
Task 4 – Additional Deed-Restriction Related Work as may Arise		Provide an hourly rate for up 50 hours of additional deed-restriction related work as requested in writing, such as recommendations for updates to deed-restriction language, research on best practices, review, and organization of existing deed-restriction data; responding to phone calls from homeowners; other	

*Already completed for 2023.

Materials

TRPA will provide:

1. Downloaded list of addresses by assessor parcel number in Excel spreadsheet format.
2. Downloaded, completed compliance forms by assessor parcel number and address in Excel spreadsheet format. A report can be pulled upon request, for each task.
3. Submitted documentation in response to audit for 2023.
4. Copies or links to existing deed-restrictions (available in linfo.org, by assessor parcel number).

Security

This contract requires the request and management of documents that may contain private information, such as social security numbers. The consultant shall explain in the proposal how documents will be kept secure and destroyed after an appropriate amount of time.

Term of Engagement

It is the intent of the Agency to contract for services presented herein for a one year and four month term effective September 1, 2023.

The Agency reserves the right to extend contract terms to a maximum five-year contract term expiring on August 30, 2028. Contract renewal is subject to the annual review of the Agency, the satisfactory negotiation of terms (including a price acceptable to both the Agency and the selected firm), and the annual availability of an appropriation.

TRPA Budget

As a public agency, TRPA's annual operating budget is constrained. Please take this into account when responding to this call for qualifications.

3. RFP Schedule & Submission Process

Public Records:

The documents submitted in response to this RFP should be considered public information and subject to FOIA disclosure. Restrictions on any information submitted will render a bid non-responsive.

TRPA assumes no contractual obligation to enforce any exemption on behalf of a respondent to the RFP.

RFP Coordinator:

Upon release of this RFP, all communications concerning this proposal request should be directed to the RFP Coordinator listed below. All written questions and requests for clarification must be received by the deadline on the RFP schedule listed below. Email shall have the subject stating: **"RFP INQUIRY – RFP #240001 Deed-Restriction Monitoring."** Responses will be posted to the website trpa.gov/contact/request-for-proposals/ in accordance with the RFP schedule listed below. The respondent should rely only on written statements issued by the RFP Coordinator.

Karen Fink
Tahoe Regional Planning Agency
PO Box 5310
128 Market Street, Suite 3A

Stateline, NV 89449
775-589-5258
kfink@trpa.gov

Request for Proposal Schedule:

TRPA anticipates the following schedule, which is subject to change:

Date of Announcement:	June 29, 2023
Bidding Firms' Questions Due:	July 14, 2023
Questions and Answers posted to www.trpa.gov	July 18, 2023
Deadline for Proposal Submissions:	July 28, 2023
Sealed Proposals Opened:	July 31, 2023
Selection of Consultants for Interviews (if necessary):	August 4, 2023
Consultant Interviews (if necessary):	August 7-18, 2023
Anticipated Award of Contract:	August 21, 2023
Commencement of Work:	September 1, 2023

Late proposal submissions will not be considered and will be returned unopened to the sender.

Proposal Submission:

Electronic submission of proposals via email, file transfer, or other method is preferred. RFP and cost proposals are submitted separately, and cost proposal is only opened for proposals that meet format requirements. Send electronic submittals to bids@trpa.gov with the subject line "**DO NOT OPEN – RFP #240001 Deed-Restriction Monitoring RFP Response [lead firm or organization name]**" and "**DO NOT OPEN – RFP #240001 Deed-Restriction Monitoring RFP Cost Proposal [lead firm or organization name]**".

Mailed submissions will be accepted if the submission is too large to transmit digitally. Please include hard copies and digital files on a thumb drive. Mailed submissions must be received by TRPA before the RFP deadline.

Address written proposals to: Tahoe Regional Planning Agency
Attention: Karen Fink
128 Market Street, Suite 3A
PO Box 5310
Stateline, NV 89449-5310
Subject Line: "**DO NOT OPEN – RFP #240001 Deed-Restriction Monitoring RFP Response [lead firm or organization name]**"
and "**DO NOT OPEN – RFP #240001 Deed-Restriction Monitoring RFP Cost Proposal [lead firm or organization name]**"

All opened proposals and accompanying documentation become the property of TRPA and will not be returned. Any late proposals will be returned unopened.

Terms and Conditions:

- TRPA reserves the right to amend the RFP schedule or issue amendments to the RFP at any time. TRPA also reserves the right to cancel or reissue the RFP, to reject any or all proposals, to waive any irregularities or informalities in the selection process, and to accept or reject any item or combination of items. TRPA reserves the right to request clarification of information from any bidder or to request supplemental material deemed necessary to assist in the evaluation of the proposal. TRPA reserves the right to accept any agreement deemed by the agency to be in its best interest. This RFP does not obligate the TRPA to accept or contract for any expressed or implied services.
- In the event that the bidder to whom any services are awarded does not execute a contract within thirty (30) calendar days after TRPA approval, TRPA may give notice to such bidder of intent to award the contract to the next most qualified bidder or to call for new proposals and may proceed to act accordingly.
- TRPA will not reimburse any bidder for any of the costs involved in the preparation and submission of responses to this RFP or in the preparation for and attendance at subsequent interviews.
- Selected consultant(s) will be expected to sign the TRPA Consultant Services Agreement listed on trpa.gov/contact/request-for-proposals/. Any desired edits to this agreement should be included in the Contractor's proposal. Desired edits may not be accepted by TRPA. TRPA reserves the right to not accept edits to the agreement after submittal of the proposal. Organizations or companies of less than five employees may not need as much insurance as is listed in the standard agreement.
- The Consultant or its employees may be subject to the provisions of Article III (a)(5) of the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, Cal. Gov't Code Section 66801, N.R.S. 277.200), which requires disclosure of any defined economic interest and prohibits such persons from attempting to influence Agency decisions affecting certain economic interests.
- Bidder shall thoroughly examine and be familiar with these terms and conditions of the TRPA Consultant Services Agreement. The failure or omission of any bidder to receive or examine this document shall in no way relieve any bidder of obligations with respect to this proposal or the subsequent contract.
- Bidder must certify to the best of its knowledge and belief that it and its principals are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency. TRPA will verify bidders' status by checking the SAM system.
- All subcontractors, if any, used by the selected consultant will require prior written consent of TRPA and will be subject to all provisions stipulated in the TRPA Consultant Services Agreement.
- This contract will be funded by federal and state grant awards and is subject to federal and state grant award requirements including, but not limited to, cost principles and administrative

regulations including but not limited to travel and per diem rates, mileage rates, and allowable cost requirements.

4. Minimum Required Proposal Contents

Minimum Required Proposal Contents:

All proposal responses should address the matters below. Page limits are approximate but should serve as a guide to the expected scale of the submittal documentation. Resumes and references are not included in the page limit.

Main Proposal – Max Page Limit: 5

1. **Definition of the Project:** Indicate your understanding of the Project objectives.
2. **Project approach:** Briefly describe how the Project will be managed, implemented, and evaluated to accomplish the objectives and requirements outlined in this request.
3. **Staffing:** Briefly describe how the project will be staffed to facilitate effective management, implementation, and evaluation.
4. **References:** Provide a minimum of one (1) client reference. Provide a contact person, telephone number, and email address for each reference customer. References should be submitted as an attachment to this response and are not included in the page limit.

Cost Proposal – Max Page Limit: 1

1. **Schedule and Cost:** Provide a timeline and itemized cost estimate based on the Tasks described in Scope of Work section. Cost estimates should be based on hourly rates and/or milestones and deliverables. Please provide a “Not to Exceed” cap and a bid guarantee through December 30, 2023.

W-9 and Proof of Insurance

Submit a completed IRS form W-9. Proof of Insurance will be required if selected under this RFP for a contract award. TRPA contract insurance requirements are outlined in the TRPA Standard Two-Party Contract, available here <https://www.trpa.gov/wp-content/uploads/documents/archive/TRPA-Standard-Two-Party-Contract.pdf>.

5. Notification and Selection Process

Review of Proposals

After the deadline date the Agency shall review and evaluate all proposals for responsiveness to the RFP in order to determine whether the bidder possesses the professional qualifications necessary for the satisfactory performance of the services required. The Agency shall also investigate qualifications of all

bidders to whom the award is contemplated, and the Agency may request clarifications of proposals directly from one or more bidders. In reviewing the proposals, the Agency may consider the following:

1. The experience and past performance of the bidder and its agents, employees, and sub-consultants in completing projects of a similar type, size, and complexity.
2. The Agency may consider Bidder's timely and accurate completion of similar projects within budget.
3. The specific recent experience of the bidder and its agents, employees, and sub-consultants in similar work.
4. The feasibility of the proposal based upon the performance and cost schedules, and the methodology to be used by the bidder.
5. Bidder's understanding of the work to be completed based upon the clarity of the proposal and responsiveness to this RFP.
6. Bidder's proposed language for the Professional Services Agreement.
7. TRPA agrees to make a good faith effort to contract with small, minority, disabled, and women owned business enterprises. Accordingly, the TRPA strongly encourages small, minority, disabled, and women owned businesses to reply to this RFP and submit Small Business Enterprise (SBE), Disadvantaged Business Enterprise (DBE), Women Business Enterprise (WBE), Disabled Veteran Business Enterprise (DVBE), or similar certifications as an attachment to this RFP.

Award of Agreement

Upon completion of the review period, the Agency shall notify those bidders whose proposals will be considered for further evaluation and negotiation. All notified bidders may be required to make presentations and negotiate in good faith in accordance with direction from the Agency. Any delay caused by bidder's failure to respond to direction from the Agency may lead to a rejection of the proposal.

If the Agency determines, after further evaluation and negotiation, to award the Agreement, the TRPA Two-Party Contract Agreement shall be sent to the successful bidder for the bidder's signature. No proposal shall be binding upon the Agency until after the Agreement is signed by duly authorized representatives of both the bidder and the Agency.

Should the selected bidder and TRPA be unable to agree to the terms of a contract within thirty (30) calendar days after TRPA approval, TRPA will reserve the right to disqualify the consultant and select another qualified bidder. Should this process not result in the hiring of a consultant, the RFP may be reissued.

The Agency reserves the right to reject any or all proposals, and to waive any irregularity. The award of the Agreement, if made by the Agency, will be based upon a total review and analysis of each proposal and projected costs.

TRPA will contract with the bidder that will best accomplish the project objectives for the best value and in the best interests of the Agency.

ATTACHMENT A – DEFINITIONS

From Chapter 90 of the Code of Ordinances

Affordable Housing

Residential housing, deed-restricted to be used exclusively as a residential dwelling by seasonal workers or permanent residents that are lower-income households (income not in excess of 80 percent of the respective county's median income) and very low-income households (not to exceed 50 percent of the respective county's median income). Such housing units shall be made available to individuals whose median income does not exceed the recommended state and federal standards. Each county's median income shall be determined according to the income limits published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development.

Moderate Income Housing

Residential housing, deed-restricted to be used exclusively as a residential dwelling by permanent residents with an income not in excess of 120 percent of the respective county's median income. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county's median income will be determined according to the income limits published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development.

Achievable Housing

Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents who meet one or more of the following criteria:

1. Have a household income not in excess of 120 percent of the respective county's area median income (AMI) (moderate income households and below) and, if purchasing the home, whose household assets do not exceed two times the annual household income for the respective AMI category and household size; the county's area median income will be determined according to the income limits published annually by the Department of Housing and Urban Development; or
2. At least one occupant of the household works at least 30 hours per week or full-time equivalency for an employer with a business license or tax address within the Tahoe region or Tahoe-Truckee Unified School District, including but not limited to public agencies and not-for-profit employers. Full-time equivalency may be confirmed by employer; or
3. Is a retired person who has lived in a deed-restricted unit in the Tahoe Basin for more than seven years.

Note:

These definitions have changed over the years and have been interpreted in a variety of ways in the deed-restrictions themselves. Thus, deed-restriction language must be checked individually when conducting an audit and requesting documentation for the audit.

ATTACHMENT B – Materials for Review

1. Deed-Restriction Webpage: <https://www.trpa.gov/applications-forms/deed-restrictions-for-affordable-housing/>